

**IN THE COURT OF APPEALS  
FIRST APPELLATE DISTRICT OF OHIO  
HAMILTON COUNTY, OHIO**

STATE OF OHIO,	:	APPEAL NO. C-120038
	:	TRIAL NOS. B-1003566
Plaintiff-Appellee,	:	B-1005262
	:	B-1005313
vs.	:	B-1103078
WILLIAM HOGAN,	:	<i>JUDGMENT ENTRY.</i>
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* S.Ct.R.Rep.Op. 3(A); App.R. 11.1(E); Loc.R. 11.1.1.

William Hogan appeals his convictions for carrying a concealed weapon, arson, felonious assault with a specification, harassment with a bodily substance, and two counts of having a weapon while under a disability.

Hogan filed a single appeal from the judgments of conviction entered in four lower-court cases. But his single assignment of error challenges only the judgment entered in the case numbered B-1005313. Therefore, to the extent that the appeal is taken from judgments of conviction entered in the cases numbered B-1003566, B-1005262, and B-1103078, it is deemed abandoned.

In the case numbered B-1005313, Hogan was indicted on two counts of felonious assault with firearm specifications and on one count of having a weapon while under a disability. Hogan signed a guilty-plea form by which he agreed to plead guilty to one count of felonious assault with a firearm specification and to one count of having a weapon while under a disability, for an agreed sentence of 11 years' incarceration. During the plea hearing, the trial court conducted a Crim.R. 11 colloquy with Hogan, but misinformed him that he could earn five days of good-time credit for every month served. Because Hogan was pleading guilty to felonious

assault, he was eligible to receive only one day of good-time credit for each month served. *See* R.C. 2967.193. Following the colloquy, the trial court accepted Hogan's guilty pleas and sentenced him to eight years for felonious assault, with a consecutive three-year term for the firearm specification, and to a concurrent one-year term for having a weapon while under a disability.

In his sole assignment of error, Hogan asserts that the trial court erred when it misinformed him about the amount of good-time credit for which he was eligible. Hogan contends that this misinformation rendered his pleas involuntary. Having reviewed the transcript, we conclude that the trial court adequately informed Hogan of his constitutional rights. *See* Crim.R. 11(C).

We review the trial court's explanation of nonconstitutional rights for substantial compliance. *State v. Griggs*, 103 Ohio St.3d 85, 2004-Ohio-4415, 814 N.E.2d 51, ¶ 12. Here, because the trial court told Hogan the incorrect amount of good-time credit to which he was entitled, it did not substantially comply with the requirements of Crim.R. 11(C)(2). *See State v. Clark*, 119 Ohio St.3d 239, 2008-Ohio-3748, 893 N.E.2d 462, ¶ 39. Hogan must also demonstrate that he was prejudiced by the trial court's failure to substantially comply with Crim.R. 11(C). *State v. Stewart*, 51 Ohio St. 2d 86, 93, 364 N.E.2d 1163 (1977). Here, we conclude that Hogan has not demonstrated that, but for the trial court's incorrect statement of the law, he would not have pleaded guilty to the charges. The sole assignment of error is overruled.

We therefore affirm the judgment of the trial court.

A certified copy of this judgment entry is the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

**SUNDERMANN, P.J., HENDON and FISCHER, JJ.**

To the clerk:

Enter upon the journal of the court on June 13, 2012

per order of the court \_\_\_\_\_.  
Presiding Judge